

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 PAUL DIXON LEWIS,
4 Plaintiff

5 v.

6 SCOTT DAVIS, et. al.,
7 Defendants
8

Case No.: 3:19-cv-00437-MMD-WGC

Order to Show Cause Re: Dismissal

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10 Plaintiff was incarcerated within the Nevada Department of Corrections (NDOC) when
11 he filed his pro se civil rights action under 42 U.S.C. § 1983. (ECF No. 6.)

12 The court screened his complaint and allowed him to proceed with claims of violation of
13 the First Amendment's Free Exercise Clause and Establishment Clause and the Religious Land
14 Use and Institutionalized Persons Act of 2000 (RLUIPA) against Baker, Carpenter and Davis.
15 (ECF No. 5.) Defendants filed their answer on March 23, 2021. (ECF No. 15.) On the same day,
16 the court entered a scheduling order. (ECF No. 16.)

17 On July 21, 2021, Defendants filed their motion for summary judgment. (ECF No. 18.)
18 Plaintiff did not timely file a response. On August 23, 2021, the court gave Plaintiff an additional
19 30 days to file his response. (ECF No. 21.) To date, no response has been filed, and the court has
20 had no further communication from Plaintiff.

21 The court has the power to sua sponte dismiss an action for the failure to prosecute. *See*
22 Fed. R. Civ. P. 41(b); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984); *Pearson v. Dennison*,
23 353 F.2d 24, 28 (9th Cir. 1965) (citation omitted).

1 Plaintiff has **21 days** from the date of this Order to file and serve a notice of intent to
2 prosecute this action. A failure to do so will result in a recommendation that this action be
3 dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

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5 **IT IS SO ORDERED.**

6 Dated: October 8, 2021

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William G. Cobb
9 United States Magistrate Judge
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